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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/739,990	12/18/2000	Richard Chang	57165-5019	7389

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EXAMINER

VAN, QUANG T

ART UNIT PAPER NUMBER

3742

DATE MAILED: 01/24/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/739,990

Applicant(s)

CHANG ET AL.

Examiner

Quang Van

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 05 November 2001.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 37-39, 43, 44 and 46-48 is/are pending in the application.
- 4a) Of the above claim(s) 46-48 is/are withdrawn from consideration.
- 5) ☒ Claim(s) 37-39 and 43 is/are allowed.
- 6) ☒ Claim(s) 44 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____
- 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

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Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claim 44 is rejected under 35 U.S.C. 103(a) as being unpatentable over Chou (US 5,142,123), in view of Patent 542,359 both cited by applicant and further in view of Patent 040,687 also cited by applicant. Chou discloses an electric heat sealer comprising a housing (1), a press bar (2) pivotally connected to said housing (1), a heating unit (6) mounted a heat insulate base (63), the heat insulate base (63) mounted in said housing (1), a source of current (10), and circuitry electrically connection said heating unit and said source of current. However, Chou does not disclose a heating unit mounted in said press bar and a free end of said press bar is pivoted downwardly said metal press plate causes said circuit to close, wherein said metal press plate is secured to said press bar. Patent 542,359 shows an electric heat sealer having a heating unit (7) mounted in said press bar (1). Patent 040,687 shows a free end of a press bar (20) is pivoted downwardly a metal press plate (14) causes said circuit (15) to close, wherein said metal press plate is secured to a base (10). It would have been obvious to one having ordinary skill in the art at the time the invention was made to utilize in Chou a heating unit mounted in said press bar as taught by Patent 542,359 in order to provide heat directly to the object from the top, and a free end of said press bar

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is pivoted downwardly said metal press plate causes said circuit to close as taught by Patent 040,687 in order to activate a heating mechanism. With regard to "said metal press plate is secured to said press bar", Patent 542,359 only shows said metal press plate is secured to a base (10) instead of a press bar. It would have been obvious to one having ordinary skill in the art at the time the invention was made to secure a metal press plate to a press bar, since it has been held that rearranging parts of an invention involves only routine skill in the art. *In re Japikse*, 86 USPQ 70.

3. Claims 37-39 and 43 are allowed.

4. The following is a statement of reasons for the indication of allowable subject matter: the prior art of record does not show or suggest a switch is mounted in said housing and wherein a portion of said switch protrudes above said housing and engages said metal press plate as recited in claim 37.

Response to Amendment

5. Applicant's arguments filed on 11/05/2001 have been fully considered but they are not persuasive.

Regarding claim 44, Applicants argue that claim 44 uses the language "**switches**" which is similar to "**a switch**" recited in claim 37. Therefore, claim 44 should be allowable.

The term "**switches**" in claim 44 means changing the circuit from one state to another, and it does not provide any structures, comparing to "**a switch**" in claim 37 is a device including structures such as "a portion of said switch protrudes above said

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housing and engages said metal press plate". Therefore, they have totally different meaning. Furthermore, Applicants amended the term "**switches** said circuit from an open state to a closed state" in order to substitute for the term "cause said circuit to close". However, the amended claim 44 remains the same because both terms have the same meaning. Therefore, the amended claim 44 still remains under 103 (a) rejection by Chou in view of Patent 542,356.


6. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Quang Van whose telephone number is 703-306-9162. The examiner can normally be reached on 8:30 to 6:00 M-F.


QV

January 18, 2002


Teresa Walberg
Supervisory Patent Examiner
Group 3700